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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,
15 v.

16 TUAN DUC LAM,
17 Defendant.

) Cr. No. 16-532 EMC

) **JOINT STIPULATIONS AND**
) **WAIVERS FOR BENCH TRIAL**

) Date: January 17, 2018
) Time: 2:30 p.m.
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STIPULATED FACTS
CR 16-532 EMC

1 The parties submit the following stipulations and waivers in anticipation of a bench trial before
2 this Court on January 17, 2018. The parties agree that the Court can rely on the stipulations below to
3 decide whether Tuan Duc Lam is guilty or not guilty of the charges, and they submit the matter for
4 decision by the Court on that basis.

5 **I. WAIVER OF RIGHTS**

6 1. Pursuant to Federal Rule of Criminal Procedure 23, Mr. Lam waives his right to a jury
7 trial and the government consents to have the Court conduct the trial in this case.

8 2. Mr. Lam waives his right to testify, to cross-examine witnesses called by the government,
9 and to call witnesses on his own behalf, and he submits this matter for decision by the Court on the basis
10 of the stipulations below.

11 **II. STIPULATIONS OF TESTIMONY AND EXHIBITS ON COUNTS ONE AND TWO¹**

12 1. If called to testify at trial, Sonoma County Sheriff's Office Deputy Kevin McGoon would
13 testify as follows:

14 a. On August 7, 2016, he responded to a call to Julianna's Fine Jewelry, a jewelry
15 store in Corte Madera, California. Corte Madera is located in the Northern
16 District of California.

17 b. Upon arrival at the store, Deputy McGoon learned that the prior day, August 6,
18 2016, an individual, later identified as defendant Tuan Duc Lam, purchased a
19 Rolex watch for \$14,170.00. Mr. Lam paid for the watch with a Chase Mileage
20 Plus Visa Explorer Credit Card, bearing the name H.L., and ending in the digits
21 0135 (the "Chase credit card"). He also presented a California driver's license
22 reflecting the name H.L. Per its policy, the store made a photocopy of the driver's
23 license and credit card used to make the purchase.

24 c. Deputy McGoon reviewed the store's photocopy of the California driver's license
25 and radioed the license number to the Marin County Sheriff's Office. The
26

27 ¹ The parties agree to a bench trial and stipulate to the testimony and exhibits described below.
28 The parties enter into these stipulations with the understanding that Mr. Lam is not rendering moot and
is preserving his right to appeal the denial of his motion to suppress on August 2, 2017 (Dkt. 29), and
not waiving his objection to the introduction of the evidence that he argued should be suppressed. See
United States v. Larson, 302 F.3d 1016, 1020 (9th Cir. 2002).

1 Sheriff's Office reported that a valid California driver's license had been issued to
2 an H.L. with a residence in Atherton, California. The address and driver's license
3 number reflected on the license used by Mr. Lam to purchase the watch on
4 August 6, 2016, matched the address and license number on the valid license
5 issued to H.L. The month and date of birth reflected on the license presented to
6 Julianna's Fine Jewelry matched the month and date of birth of the H.L. on file
7 with the California Department of Motor Vehicles. The birth year for the real
8 H.L., however, was approximately 30 years prior to the birth year reflected on the
9 license used by Mr. Lam to purchase the Rolex watch.

- 10 d. Deputy McGoon reviewed a copy of the receipt for the Rolex purchased on
11 August 6, 2016. He noted that the name H.L. was signed on the receipt.
- 12 e. Mr. Lam returned to Julianna's Fine Jewelry on August 7, 2016. The store
13 manager confirmed to Deputy McGoon that Mr. Lam was the same individual
14 who had purchased the Rolex for \$14,170.00 the prior day using the Chase credit
15 card and driver's license bearing the name H.L.
- 16 f. On August 7, 2017, Deputy McGoon found the Chase credit card and California
17 driver's license reflecting the name H.L. in Mr. Lam's wallet. The license in the
18 name of H.L. reflected Mr. Lam's picture.
- 19 g. When questioned by Deputy McGoon, Mr. Lam admitted that he was not H.L.
20 He admitted to knowingly using H.L.'s identity and Chase credit card to purchase
21 the Rolex watch on August 6, 2016, which he then later re-sold.

22 2. If called to testify at trial, H.L., a resident of Atherton, California, would testify as
23 follows:

- 24 a. In August 2016, H.L. was an authorized user of the Chase credit card.
- 25 b. H.L. did not authorize Mr. Lam to use this credit card account.
- 26 c. H.L. did not request or receive a replacement credit card for this account prior to
27 August 6, 2016.

28 //

1 3. If called to testify at trial, K.L., the wife of H.L., would testify as follows:

2 a. In August 2016, K.L. was an authorized user of the Chase credit card.

3 b. K.L. did not authorize Mr. Lam to use this credit card account.

4 c. K.L. did not request or receive a replacement credit card for this account prior to
5 August 6, 2016.

6 4. If called to testify at trial, Postal Inspector Jennifer Rounds of the U.S. Postal Inspection
7 Service (USPIS), would testify as follows:

8 a. A USPIS investigation revealed that Mr. Lam and at least one of his associates
9 have been involved in stealing the identities and personal financial information of
10 several individuals of Asian descent in the Bay Area.

11 b. On July 24, 2016, Mr. Lam's associate "spoofed" the cell phone number of K.L.
12 and called Chase to order a replacement credit card for the account ending in
13 0135. Spoofing refers to a technique where an electronic application is used to
14 imitate the phone number of another individual. Chase mailed the replacement
15 card on July 28, 2016, and the card was activated on August 6, 2016.

16 c. Following his arrest, law enforcement seized several items from Mr. Lam's home
17 showing his involvement in identity theft. Specifically, authorities seized:

18 i. Seven credit cards all reflecting names other than Mr. Lam's. Two of
19 these credit cards were in the name of A.T. The real A.T. confirmed to
20 USPIS that he was the authorized owner of the credit card accounts. A.T.
21 still possessed the original credit cards for these accounts and did not order
22 or receive replacement cards. A.T. also stated that he does not know Mr.
23 Lam and did not authorize Mr. Lam to use these credit card accounts;

24 ii. An empty envelope on which three Bay Area addresses were handwritten.
25 USPIS has confirmed that fraudulent charges were made on credit cards
26 belonging to the residents of each of these three Bay Area addresses;

27 iii. An envelope containing a letter inside indicating that it included a Bank of
28 America replacement card for an account ending in the numbers 0007

(upon continued investigation, Inspector Rounds confirmed that fraudulent purchases had been made on this credit card account);

iv. A California driver's license in the name of R.L. bearing Mr. Lam's photograph and two credit cards in the name of R.L. The address and month and day of birth reflected on the license found in Mr. Lam's home match the information for the real R.L. on file with the DMV. The real R.L., however, was born ten years prior to the birth year reflected on the license located in Mr. Lam's home. Upon continued investigation, Inspector Rounds confirmed that fraudulent purchases had been made on the two credit card accounts.

5. If called to testify at trial, a representative of Chase Bank USA, N.A. would testify as follows:

a. Chase Bank USA, N.A. is a private corporation headquartered in Wilmington, Delaware.

b. Chase Bank USA, N.A. suffered a loss of \$14,174.50 due to fraudulent credit card charges with respect to the Chase credit card account ending in 0135.

6. The parties stipulate the following exhibits are deemed admitted into evidence for the purposes of this bench trial, and that they are as described below:

- a. Exhibit 1: Photocopies taken by employees of Julianna's Fine Jewelry on August 6, 2016, of the Chase Credit Card, driver's license in the name of H.L. presented by Mr. Lam, and the receipt for the purchase of the Rolex watch for \$14,170.00 (TDL 00041-42);
- b. Exhibit 2: Letter from Chase Card Services Fraud Investigations dated November 17, 2016 (TDL 00109).

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1 7. Neither party is aware of any witness who will testify in a manner contrary to the facts
2 described above.

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4 IT IS SO STIPULATED.

5 Dated: January 17, 2018

ALEX G. TSE
Acting United States Attorney



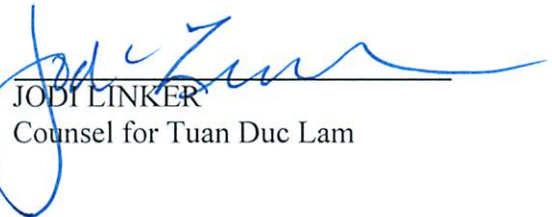
SAILAJA M. PAIDIPATY
Assistant United States Attorney

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10 Dated: January 17, 2018



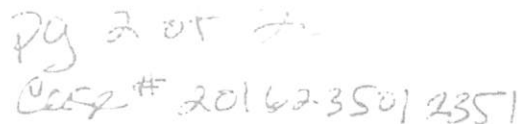
TUAN DUC LAM
Defendant

11
12
13
14 Dated: January 17, 2018



JODI LINKER
Counsel for Tuan Duc Lam

Exhibit 1



$\angle C = \angle D = 90^\circ$

In $\triangle ABC$ and $\triangle DCB$,
 $\angle A = \angle D = 90^\circ$
In $\triangle ABC$ and $\triangle DCB$,
 $\angle B = \angle C$
 $\therefore \triangle ABC \cong \triangle DCB$ (AAS)

$\therefore AB = DC$ (Corresponding parts of congruent triangles are equal.)

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THE UNIVERSITY OF CHICAGO

1997

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Law #: 990029 Date: 045620

Transaction ID: 46622480190235

Approved: _____ Date: _____
Signature: _____ Date: _____

US: 1544

03-000008P800
A: 1
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R: 1

1. 2010-2011 2. 2011-2012 3. 2012-2013 4. 2013-2014 5. 2014-2015 6. 2015-2016 7. 2016-2017 8. 2017-2018 9. 2018-2019 10. 2019-2020 11. 2020-2021 12. 2021-2022 13. 2022-2023 14. 2023-2024 15. 2024-2025 16. 2025-2026 17. 2026-2027 18. 2027-2028 19. 2028-2029 20. 2029-2030 21. 2030-2031 22. 2031-2032 23. 2032-2033 24. 2033-2034 25. 2034-2035 26. 2035-2036 27. 2036-2037 28. 2037-2038 29. 2038-2039 30. 2039-2040 31. 2040-2041 32. 2041-2042 33. 2042-2043 34. 2043-2044 35. 2044-2045 36. 2045-2046 37. 2046-2047 38. 2047-2048 39. 2048-2049 40. 2049-2050 41. 2050-2051 42. 2051-2052 43. 2052-2053 44. 2053-2054 45. 2054-2055 46. 2055-2056 47. 2056-2057 48. 2057-2058 49. 2058-2059 50. 2059-2060 51. 2060-2061 52. 2061-2062 53. 2062-2063 54. 2063-2064 55. 2064-2065 56. 2065-2066 57. 2066-2067 58. 2067-2068 59. 2068-2069 60. 2069-2070 61. 2070-2071 62. 2071-2072 63. 2072-2073 64. 2073-2074 65. 2074-2075 66. 2075-2076 67. 2076-2077 68. 2077-2078 69. 2078-2079 70. 2079-2080 71. 2080-2081 72. 2081-2082 73. 2082-2083 74. 2083-2084 75. 2084-2085 76. 2085-2086 77. 2086-2087 78. 2087-2088 79. 2088-2089 80. 2089-2090 81. 2090-2091 82. 2091-2092 83. 2092-2093 84. 2093-2094 85. 2094-2095 86. 2095-2096 87. 2096-2097 88. 2097-2098 89. 2098-2099 90. 2099-2100 91. 2100-2101 92. 2101-2102 93. 2102-2103 94. 2103-2104 95. 2104-2105 96. 2105-2106 97. 2106-2107 98. 2107-2108 99. 2108-2109 100. 2109-2110 101. 2110-2111 102. 2111-2112 103. 2112-2113 104. 2113-2114 105. 2114-2115 106. 2115-2116 107. 2116-2117 108. 2117-2118 109. 2118-2119 110. 2119-2120 111. 2120-2121 112. 2121-2122 113. 2122-2123 114. 2123-2124 115. 2124-2125 116. 2125-2126 117. 2126-2127 118. 2127-2128 119. 2128-2129 120. 2129-2130 121. 2130-2131 122. 2131-2132 123. 2132-2133 124. 2133-2134 125. 2134-2135 126. 2135-2136 127. 2136-2137 128. 2137-2138 129. 2138-2139 130. 2139-2140 131. 2140-2141 132. 2141-2142 133. 2142-2143 134. 2143-2144 135. 2144-2145 136. 2145-2146 137. 2146-2147 138. 2147-2148 139. 2148-2149 140. 2149-2150 141. 2150-2151 142. 2151-2152 143. 2152-2153 144. 2153-2154 145. 2154-2155 146. 2155-2156 147. 2156-2157 148. 2157-2158 149. 2158-2159 150. 2159-2160 151. 2160-2161 152. 2161-2162 153. 2162-2163 154. 2163-2164 155. 2164-2165 156. 2165-2166 157. 2166-2167 158. 2167-2168 159. 2168-2169 160. 2169-2170 161. 2170-2171 162. 2171-2172 163. 2172-2173 164. 2173-2174 165. 2174-2175 166. 2175-2176 167. 2176-2177 168. 2177-2178 169. 2178-2179 170. 2179-2180 171. 2180-2181 172. 2181-2182 173. 2182-2183 174. 2183-2184 175. 2184-2185 176. 2185-2186 177. 2186-2187 178. 2187-2188 179. 2188-2189 180. 2189-2190 181. 2190-2191 182. 2191-2192 183. 2192-2193 184. 2193-2194 185. 2194-2195 186. 2195-2196 187. 2196-2197 188. 2197-2198 189. 2198-2199 190. 2199-2200 191. 2200-2201 192. 2201-2202 193. 2202-2203 194. 2203-2204 195. 2204-2205 196. 2205-2206 197. 2206-2207 198. 2207-2208 199. 2208-2209 200. 2209-2210 201. 2210-2211 202. 2211-2212 203. 2212-2213 204. 2213-2214 205. 2214-2215 206. 2215-2216 207. 2216-2217 208. 2217-2218 209. 2218-2219 210. 2219-2220 211. 2220-2221 212. 2221-2222 213. 2222-2223 214. 2223-2224 215. 2224-2225 216. 2225-2226 217. 2226-2227 218. 2227-2228 219. 2228-2229 220. 2229-2230 221. 2230-2231 222. 2231-2232 223. 2232-2233 224. 2233-2234 225. 2234-2235 226. 2235-2236 227. 2236-2237 228. 2237-2238 229. 2238-2239 230. 2239-2240 231. 2240-2241 232. 2241-2242 233. 2242-2243 234. 2243-2244 235. 2244-2245 236. 2245-2246 237. 2246-2247 238. 2247-2248 239. 2248-2249 240. 2249-2250 241. 2250-2251 242. 2251-2252 243. 2252-2253 244. 2253-2254 245. 2254-2255 246. 2255-2256 247. 2256-2257 248. 2257-2258 249. 2258-2259 250. 2259-2260 251. 2260-2261 252. 2261-2262 253. 2262-2263 254. 2263-2264 255. 2264-2265 256. 2265-2266 257. 2266-2267 258. 2267-2268 259. 2268-2269 260. 2269-2270 261. 2270-2271 262. 2271-2272 263. 2272-2273 264. 2273-2274 265. 2274-2275 266. 2275-2276 267. 2276-2277 268. 2277-2278 269. 2278-2279 270. 2279-2280 271. 2280-2281 272. 2281-2282 273. 2282-2283 274. 2283-2284 275. 2284-2285 276. 2285-2286 277. 2286-2287 278. 2287-2288 279. 2288-2289 280. 2289-2290

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 $\frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx = f(0)$ [illegible]

CALIFORNIA DRIVER LICENSE

DL C2102428

EXP 12/25/2018

CLASS C
END NONE

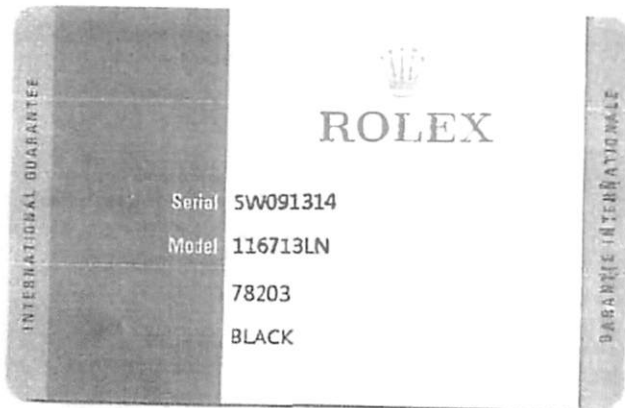
LN LEE

FN HENRY CHENG

DOB [REDACTED]
RSTR NONE

SEX M HAIR [REDACTED] EYES [REDACTED]
DOB 05/08/2013 SSN 1E7118 FDH8 ISS 05/18/2013

Henry Lee



purchased.
8-6-16

Rx 2499

Exhibit 2



Chase Card Services
Fraud Investigations
150 W. University Dr.
Tempe, AZ 85281

November 17, 2016

VIA EMAIL

Jen Rounds
U.S. Postal Inspection Service
jbrounds@uspis.gov

Re: Account [REDACTED] 0135

Dear Inspector Rounds,

This case has been referred to me for follow-up. The account number(s) listed above is/are confirmed fraudulent. The account number(s) is/are owned and issued by Chase Card Services, the credit card issuing subsidiary of Chase Bank USA, N.A. The information presented in this report is based on the research, review, and interpretation of records; documents prepared contemporaneously, maintained, and depended upon in the ordinary course of business by Chase Card Services.

Chase Bank USA, N.A at present should be considered a financial victim regarding the use of the account(s) and will assist in any prosecution of the suspect(s). At this time, we have identified our total losses on the account(s) as **\$14,174.50**. This figure could change as additional transactions not yet identified as fraudulent post to the account(s).

In the event, the suspect(s) is/are prosecuted and determined to be guilty; Chase Bank USA, N.A requests that restitution be part of any final disposition. All disbursements of restitution should be in the form of a certified check or money order only. Please include the above reference account number on the certified check or money order payable to:

Chase Bank USA N.A
Attn: Chase Remittance Processing
PO Box 17055
Wilmington DE 19886-7055

Sincerely,

Heather Harrington
Regional Investigator
Phone 480-902-6764
Fax: 480-902-7367